<u>REMARKS</u>

This application has been reviewed in light of the Office Action dated March 17, 2007. Claims 27, 29, 30, 33, 35, and 36 are presented for examination, of which Claims 27 and 33 are in independent form. Favorable reconsideration is respectfully requested.

The Office Action rejected Claims 27 and 33 under 35 U.S.C. § 102(e) as being anticipated by U.S. Appln. Publication No. 20030054836 (*Michot*); and rejected Claims 27, 29-30, 33 and 35-36 under § 102(b) as being anticipated by U.S. Patent No. 5,864,306 (*Dwyer et al.*). Applicants respectfully traverse these rejections and submit that independent Claims 27 and 33, together with the claims dependent therefrom, are patentably distinct from the cited art for at least the following reasons.

Michot relates to "time-controlling" the movement or position of persons, animals or objects. Apparently, *Michot* teaches using a wireless device to track "elapsed time" (also referred to as "working time") using "signaling messages" containing the same identification code. *Michot*, para. 16. Nothing has been found in *Michot* that is believed to teach, reasonably suggest or otherwise result in "<u>creating a project task</u>, associated with a resource, using a user interface, <u>the project task having a predetermined completion time</u>," much less "<u>comparing</u> the predetermined completion time with the task work time," as recited by Claim 27 (emphasis added).

On page 5, the Office Action states the following with regard to *Michot* and the aforementioned features of Claim 27:

> In response to the Applicant's argument with respect to
> "…Nothing has been found in Michot that is believed to teach,
> suggest or otherwise result in "creating a project task, associated
> with a resource, using a user interface, the project task having a
> predetermined completion time," much less "comparing the
> predetermined completion time with the task work time," as recited

in Claim 27..." (p. 8, 1ˢᵗ paragraph), the Examiner respectfully
disagrees and requests the Applicant to further review Michot
wherein when an employee arrives a work place, he/she activates
the reader 31 to read his/her badge (i.e., creating a project) via a
user interface (e.g., button 32) (see paragraph [0030]), the project
has a predetermined completion time (i.e., the working hours of 8,
6 or 4 hours, which depends on the employee's status of fulltime,
part-time (at arrival) and the second time (at departure), the total
work time is then compared with the predetermined time to
determine whether that particular employee has worked more or
less than the predetermined time (e.g., over time or time abused).
This conventional step is well-known and is commonly used in the
art. Accordingly, the claimed limitation, given the broadest
reasonable interpretation, Michot meets the claimed invention (see
the rejection above.)

(Ellipses in original and emphasis added).

Based on the above underlined portion, the Office Action appears to admit that

Michot lacks any comparison feature, and instead crouches the rejection on a feature asserted to

be "well-known and . . . commonly used in the art." Indeed, *Michot* does not appear to provide

any teaching related to comparing the total time worked to a predetermined time, and also fails to

discuss over time or time abused. "A claim is anticipated only if each and every element as set

forth in the claim is found, either expressly or inherently described, in a single prior art

reference." *See e.g.*, MPEP § 2131 (internal citations omitted). Applicants respectfully submit

that the Office Action has failed to meet its burden of establishing that each and every element as

set forth in the Claim 27 is either expressly or inherently described in *Michot*.

Accordingly, Applicants submit that Claim 27 is not anticipated by *Michot*, and

respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e).

Dwyer et al. relates to a road toll collection system. Apparently, *Dwyer et al.*

teaches to determine a vehicle's time of entry into and exit from ("the transaction time") a toll

road. As described in *Dwyer et al.*,

3

The vehicles are detected when they enter and exit the toll road 19
which provides data indicative of the locations and times of entry
into and exit from the toll road 19. The transponder 18 transmits
transponder identification data to the roadside toll collectors 11
that is correlated with the vehicle detection data. The identification
data, location data, and entry and exit data are processed by the
roadside toll collectors 11 to generate transaction reports for each
vehicle 17. The toll transaction processor 12 processes the
transaction reports to generate tolling transactions for each vehicle
17. The tolling transactions are forwarded to the revenue
management system 14 which generates tolls for each vehicle 17
and bills the owner of the transponders 18 for use of the toll road
19.

Dwyer et al., Col. 3, lines 28-44. As with *Michot*, at best *Dwyer et al.* simply teaches a

technique for detecting elapsed time.

Nothing has been found in *Dwyer et al.* that is believed to teach, suggest or

otherwise result in the "creating a project task" and "comparing" features discussed above with

respect to Claim 27.

On page 6, the Office Action states the following with regard to *Dwyer et al.* and

the aforementioned features of Claim 27:

The total time a vehicle is present in a particular toll zone is
computed based on the first time and the second time of detection,
which is then compared with a predetermined time of a normal
vehicle from an entrance/a first station to an exit/a second station
to determine whether the particular vehicle has taken more than
the predetermined time (col. 4, line 54 through col. 5, line 12).
Accordingly, the claimed limitation, given the broadest reasonable
interpretation, Dwyer et al meets the claimed invention (see the
rejection above).

(Emphasis added).

Applicants have again reviewed *Dwyer et al.* Col. 4, line 54 to Col. 5, line 12, and

Dwyer et al. as a whole, and have found nothing in *Dwyer et al.* that even alludes to the features

underlined in the above portion of the Office Action on page 6. Contrary to the Office's

4

assertions, *Dwyer et al.* simply does not teach or reasonably suggest any comparison of time in toll zones to a predetermined time for the toll zones. Applicants respectfully submit that the Office Action has failed to meet its burden of establishing that each and every element as set forth in the Claim 27 is either <u>expressly or inherently</u> described in *Dwyer et al.*

Accordingly, Applicants submit that Claim 27 is not anticipated by *Dwyer et al.*, and respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b).

Independent Claim 33 includes features similar to those discussed above, in which a project task having a predetermined completion time and being associated with a resource is created and the predetermined completion time is compared with the actual task work time. Therefore, claim 33 also is believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Jonathan Berschadsky/
Jonathan Berschadsky
Attorney for Applicants
Registration No. 46,551

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

FCHS_WS 2076580_1